

---

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

---

**KENNEDI FRANCIS SARAFOLEAN,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**MEMORANDUM DECISION AND  
ORDER LIFTING STAY**

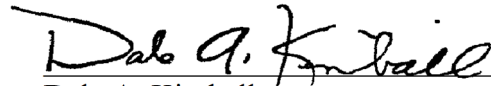
**Case No. 2:16-cv-564-DAK**

**Judge Dale A. Kimball**

This matter was stayed pending the Tenth Circuit's decision in *United States v. Baker*, 20-3062 (10th Cir.). The Tenth Circuit has decided *Baker*, reiterating that Hobbs Act robbery is categorically a crime of violence. 2022 WL 3371011 (10th Cir. Aug. 16, 2022). Therefore, the court lifts the stay. If Petitioner maintains, after *Baker*, the position that this case should not be dismissed, he shall file a brief setting forth his reasoning by October 28, 2022. If Petitioner does not file a brief, the court will dismiss this action based on *Baker*.

DATED this 6th day of October, 2022.

BY THE COURT:



Dale A. Kimball,  
United States District Judge